

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

E.) REMARKS

This Response is filed in response to the Office Action dated May 24, 2004. Claims 1-20 remain pending in the Application.

In the outstanding Office Action, the Examiner withdrew claims 17-20 from consideration, rejected claims 1 and 9 under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (U.S. Patent No. 6,691,127); rejected claims 2-3 and 10-11 under 35 U.S.C. § 103(a) as being unpatentable over Bauer et al. (U.S. Patent No. 6,691,127) in view of Ladouceur et al. (U.S. Patent Application Publication No. 2002/0116372 A1); rejected claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Bauer et al. (U.S. Patent No. 6,691,127) in view of Zulpa et al. (U.S. Patent Application Publication No. 2003/0023519 A1); requested affirmation of a provisional election made by telephone on March 29, 2004 by Brian Sattizahn; and objected to claims 4-7 and 12-15.

Election/Restriction

The Examiner had required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-16, drawn to database or file accessing, classified in class 707, subclass 1; and
- II. Claims 17-20, drawn to manipulating data structure, classified in class 707, subclass 101.

Applicant hereby affirms, without prejudice, the provisional election of invention of Group I, directed to claims 1-16 made on March 29, 2004.

Rejection under 35 U.S.C. 102

Bauer

The Examiner rejected claims 1 and 9 under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (U.S. Patent No. 6,691,127), hereinafter referred to as "Bauer."

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

Applicant notes that the issue date of Bauer is February 10, 2004 and the filing date of the present application is December 18, 2001. Because the issue date of Bauer is after the filing date of the present application, it is assumed that the statutory section applied under 35 U.S.C. § 102 with respect to Bauer is 35 U.S.C. § 102(e), not § 102(b), as recited in the Office Action. The following discussion addresses the statutory section, as applied, in the Office Action.

Applicants respectfully traverse the rejection of claims 1 and 9 under 35 U.S.C. 102(b).

Bauer, as understood, is directed to a method for saving and retrieving process capability and guidance information in order to support product design and manufacturing. The Bauer system allows user to access data in the database and display the information in a manner that assists in the product design and manufacturing activities.

In contrast, independent claim 1 recites a system for collecting and recording data on a plurality of products, wherein the system includes an application comprising a file management section that comprises a means for performing a bulk transfer of process capability information for at least one product to the database by the user. Independent claim 9 recites a computer program product for collecting and recording product data on a plurality of products wherein the computer program product comprises a file management section that comprises a means for performing a bulk transfer of process capability information for at least one product to the database by the user.

One or more of the features recited by Applicant in independent claims 1 and 9 are not taught or suggested by Bauer.

First, Bauer does not teach or suggest the means for performing the bulk transfer of process capability information, as instantly claimed (see e.g. claim 1, line 16 and claim 9, line 12). The Examiner relies on column 3, lines 14-16 for the teaching of the bulk transfer of process capability information. The section of Bauer relied upon by the Examiner recites creation of a database record by compilation and organization of information before uploading the information into a guidance information database. In contrast, the instantly claimed invention performs a bulk transfer of process capability information. As recited in paragraph [0058] of the specification, a bulk transfer is a process wherein the user selects particular parts or sources of parts on which data entry is needed and is then presented with a spreadsheet

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

containing information on the part(s) selected. The user can then view and/or edit the process capability information in the spreadsheet for all of the parts selected at a single time (see paragraph [0058]). The edited information can then be saved and/or transferred as a bulk transfer to the database. The spreadsheet having process capability information for multiple parts or part sources for bulk transfer is not anticipated or obvious in view the creation of a record through Bauer's compiled and organized process capability model relating to design and process attributes (see Bauer: col. 3, lines 10-19; and col. 6, lines 51-54). Thus, since Bauer does not teach or suggest all of the limitations recited in independent claims 1 and 9, Applicant respectfully submits that Bauer does not anticipate Applicant's invention as recited in independent claims 1 and 9.

Second, Bauer does not teach or suggest that the information that is subject to bulk transfer is process capability information for at least one product, as instantly claimed (see e.g. claim 1, line 16 and claim 9, line 12). The Examiner relies on column 3, lines 14-16 for the teaching of the transfer of process capability information for at least one product. However, Bauer merely teaches "relevant guidance information" (col. 3, line 11), which is compiled and organized into "design and process attributes" (col. 3, line 13). The information compiled, organized, recorded and uploaded in Bauer relates to design and process information that is used to design a product. In contrast, the present invention transfers process capability information of existing products, as instantly claimed. Thus, since Bauer does not teach or suggest all of the limitations recited in independent claims 1 and 9, Applicant respectfully submits that Bauer does not anticipate Applicant's invention as recited in independent claims 1 and 9.

Therefore, for the reasons given above, independent claims 1 and 9 are believed to be distinguishable from Bauer and therefore are not anticipated nor rendered obvious by Bauer.

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

Rejection under 35 U.S.C. 103

Bauer in view of Ladouceur

The Examiner rejected claims 2-3 and 10-11 under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Ladouceur et al. (U.S. Patent Application Publication No. 2002/0116372 A1), hereafter referred to as "Ladouceur."

Specifically, with respect to claim 2, the Examiner stated that Bauer does not explicitly teach wherein the product information section further comprises: means for providing updating and reviewing source information on a product source; means for providing updating and reviewing source information on a product; and means for providing, updating and reviewing characteristic information on a product. The Examiner then concluded that Ladouceur teaches these limitations and that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ladouceur with Bauer to select products for comparison. With respect to claim 3, the Examiner stated that Bauer does not explicitly teach designating a product source; and source information includes site information, code information, name information a products list of products produced by the designated product source. The Examiner then concluded that Ladouceur teaches these limitations and that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ladouceur with Bauer to select products for comparison. With respect to claims 10 and 11, the Examiner relies on similar reasoning as applied to claims 2 and 3.

Applicants respectfully traverse the rejection of claims 2-3 and 10-11 under 35 U.S.C. § 103(a).

Bauer is directed to a method for saving and retrieving process capability and guidance information in order to support product design and manufacturing, as discussed in greater detail above.

Ladouceur, as understood, is directed to a method for integrated management of product information that is indexed in a manner allowing a search for a product based upon a medical product, or a procedure and product category (abstract; paragraph [0003]). Ladouceur further

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

teaches that information retrieved from the database may be displayed in a manner that allows the user to select products for comparison (paragraph [0072]).

Applicant submits that dependent claims 2-3 and 10-11 are distinguishable from Bauer and/or Ladouceur for at least the following reasons. To begin, dependent claims 2-3 and 10-11 are believed to be distinguishable from Bauer and/or Ladouceur as depending from what are believed to be allowable independent claims 1 and 9 as discussed above. Furthermore, there is nothing in Ladouceur that teaches or suggests any of the limitations in independent claims 1 and 9 not taught or suggested by Bauer.

Applicant also respectfully submits that the Examiner has improperly combined Bauer and Ladouceur. The Examiner has provided no teaching or suggestion in Bauer or Ladouceur that would indicate the desirability of displaying product comparisons for the disclosure of Bauer. The Examiner states that it would be advantageous to display product comparisons, citing paragraph [0072] of Ladouceur. However, the disclosure of Ladouceur is drawn to a system for providing product information to the user, while Bauer is a system that provides process capability and guidance information in order to assist in designing a product. Bauer does not provide product information suitable for product comparison. Therefore, it would not be desirable for Bauer to provide product comparisons because the data saved and retrieved from the Bauer system is not product data, but is merely data used to assist in product design and manufacture. One of ordinary skill in the art would not be motivated to combine the design information of Bauer with the product information of Ladouceur. Therefore, the combination of Bauer and Ladouceur is improper and does not render claims 2-3 and 10-11 obvious. Thus, Applicant respectfully submits that the Examiner has reached her conclusion based on the teachings in Applicant's specification, which is impermissible hindsight reasoning by the Examiner.

Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination." See Manual of Patent Examining Procedure, 8th Edition (MPEP), Section 2143.01.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

See Manual of Patent Examining Procedure, 8th Edition (MPEP), Section 2143.03.

In view of the above, dependent claims 2-3 and 10-11 are believed to be distinguishable from Bauer and/or Ladouceur and therefore are not anticipated nor rendered obvious by Bauer and/or Ladouceur. In conclusion, it is respectfully submitted that claims 2-3 and 10-11 are not anticipated nor rendered obvious by Bauer and/or Ladouceur and are therefore allowable.

Bauer in view of Zulpa et al.

The Examiner rejected claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Zulpa et al. (U.S. Patent Application Publication No. 2003/0023519 A1), hereafter referred to as "Zulpa."

Specifically, with respect to claim 8, the Examiner stated that Bauer does not explicitly teach the client computer and server computer are connected by an Extranet, and the application is executable in a web browser and is accessed from a web portal on the Extranet. The Examiner then concluded that Zulpa teaches these limitations and that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Zulpa with Bauer to reduce the number of parts it needs to maintain by automating the active parts evaluation processes. With respect to claim 16, the Examiner stated that Bauer does not explicitly teach the user includes at least one of an Internal user and external supplier. The Examiner then concluded that Zulpa teaches these limitations and that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Zulpa with Bauer to reduce the number of parts it needs to maintain by automating the active parts evaluation processes.

Applicants respectfully traverse the rejection of claims 8 and 16 under 35 U.S.C. § 103(a).

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

Bauer is directed to a method for saving and retrieving process capability and guidance information in order to support product design and manufacturing, as discussed in greater detail above.

Zulpa, as understood, is drawn to database management of information relating to parts in a manufacturing environment (paragraphs [0001] and [0009]). Zulpa also explains that the implementation of the parts database management tool disclosed therein enables a reduction in the number of parts it needs to maintain (paragraph [0016]).

Applicant submits that dependent claims 8 and 16 are distinguishable from Bauer and/or Zulpa for at least the following reasons. To begin, dependent claims 8 and 16 are believed to be distinguishable from Bauer and/or Zulpa as depending from what are believed to be allowable independent claims 1 and 9 as discussed above. Furthermore, there is nothing in Zulpa that teaches or suggests any of the limitations in independent claims 1 and 9 not taught or suggested by Bauer.

Applicant also respectfully submits that the Examiner has improperly combined Bauer and Zulpa. The Examiner has provided no teaching or suggestion in Bauer or Zulpa that would indicate that it would be desirable for Bauer to reduce the number of parts needed to maintain. The Examiner states that it would be advantageous to Bauer to reduce the number of parts needed to maintain by implementation of the parts database disclosed in Zulpa, citing paragraph [0016]. Like Ladouceur discussed above, Zulpa is drawn to a system for providing product (i.e. manufacturing part) information to the user, while Bauer is a system that provides process capability and guidance information in order to assist in designing a product. Bauer does not provide parts information. Bauer does not maintain parts or have a need to minimize the maintenance of parts, as is disclosed in Zulpa. Bauer merely compiles and organizes design and process attributes to assist in designing products (see Bauer: col. 2, lines 10-13 and col. 3, lines 10-13). Bauer would not find it advantageous to use the parts database management tool of Zulpa or any parts thereof because it would not be desirable to minimize the number of parts maintained, since Bauer does not maintain parts or provide product information. Therefore, the combination of Bauer and Zulpa is improper and does not render claims 8 and 16 obvious. Thus, Applicant respectfully submits that the Examiner has reached his conclusion based on the

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)

teachings in Applicant's specification, which is impermissible hindsight reasoning by the Examiner.

In view of the above, dependent claims 8 and 16 are believed to be distinguishable from Bauer and/or Zulpa and therefore are not anticipated nor rendered obvious by Bauer and/or Zulpa. In conclusion, it is respectfully submitted that claims 8 and 16 are not anticipated nor rendered obvious by Bauer and/or Zulpa and are therefore allowable.

Allowable Subject Matter

The Examiner objected to claims 4-7 and 12-15 as being dependent upon a rejected base claim, but indicated that the claims would be allowable, if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the Examiner's indication of allowable subject matter, but believes that all of the claims are allowable for the reasons given above.

Application No. 10/022,296
Attorney Docket No. 13DV14148 (07783-0131)


CONCLUSION

In view of the above, Applicant respectfully requests reconsideration of the Application and withdrawal of the outstanding objections and rejections. As a result of the amendments and remarks presented herein, Applicant respectfully submits that claims 1-16 are not anticipated by nor rendered obvious by Bauer, Ladouceur, Zulpa or their combination and thus, are in condition for allowance. As the claims are not anticipated by nor rendered obvious in view of the applied art, Applicant requests allowance of claims 1-16 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,
McNEES, WALLACE & NURICK

By



Andrew L. Oltmans
Reg. No. 56,074
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
Tel: (717) 237-5281
Fax: (717) 237-5300

Dated: August 24, 2004